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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE M. JAMES LORENZ)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RIGOBERTO HERNANDEZ-RIVERA,

Defendant.

CASE NO.08cr0719-L

DATE: August 25, 2008

TIME: 10:00 a.m.

NOTICE OF MOTIONS *IN LIMINE* AND  
MOTIONS *IN LIMINE* TO:

- (1) PRECLUDE EVIDENCE OF OTHER INDIVIDUALS IN THE VEHICLE;
- (2) PRECLUDE EVIDENCE OF USE OF FALSE DOCUMENTS BY OTHERS;
- (3) PRECLUDE 404(b) AND 609 EVIDENCE;
- (4) PRECLUDE A-FILE DOCUMENTS;
- (5) COMPEL INSPECTION OF CERTIFIED DOCUMENTS PRE-TRIAL;
- (6) PRECLUDE THE "A-FILE CUSTODIAN" FROM TESTIFYING ABOUT IMMIGRATION PROCEEDINGS;
- (7) PRECLUDE THE "A-FILE CUSTODIAN" FROM TESTIFYING ABOUT DATABASE SEARCHES;
- (8) ALLOW IMPEACHMENT OF ALL HEARSAY DECLARANTS;
- (9) EXCLUDE WITNESSES ("A-FILE CUSTODIAN");
- (10) ALLOW ATTORNEY-CONDUCTED VOIR DIRE;
- (11) ORDER PRODUCTION OF GRAND JURY TRANSCRIPTS;
- (12) PROHIBIT WITNESSES FROM REFERRING TO MR. HERNANDEZ-RIVERA AS "THE ALIEN"; AND
- (13) GRANT LEAVE TO FILE FURTHER MOTIONS.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND  
NICOLE A. JONES, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on August 25, 2008, at 10:00 a.m. or as soon thereafter as counsel may be heard, the defendant, Rigoberto Hernandez-Rivera, by and through his counsel, Jennifer L. Coon and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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**MOTIONS**

Rigoberto Hernandez-Rivera, the accused in this case, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an Order to:

- 1) Preclude Evidence Of Other Individuals in the Vehicle;
- 2) Preclude Evidence of Use of False Documents by Others;
- 3) Preclude 404(b) and 609 Evidence;
- 4) Preclude A-File Documents;
- 5) Compel Inspection of Certified Documents Pre-trial;
- 6) Preclude the "A-file Custodian" from Testifying about Immigration Proceedings;
- 7) Preclude the "A-file Custodian" from Testifying about Database Searches;
- 8) Allow Impeachment of All Hearsay Declarants;
- 9) Exclude Witnesses ("A-file Custodian");
- 10) Allow Attorney-Conducted Voir Dire;
- 11) Order Production of Grand Jury Transcripts;
- 12) Prohibit Witnesses from Referring to Mr. Hernandez-Rivera as "the Alien"; and
- 13) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

*/s/ Jennifer L. Coon*

**JENNIFER L. COON**

Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Hernandez-Rivera

Dated: August 11, 2008